United Nations CRC/C/SR.2263

Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-seventh session

Summary record of the 2263rd meeting
Held at the Palais Wilson, Geneva, on Monday, 22 January 2018, at 10 a.m.

Chair: Ms. Winter

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Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Spain

* No summary record was prepared for the 2262nd meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Spain (CRC/C/ESP/5-6; CRC/C/ESP/Q/5-6 and CRC/C/ESP/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Spain took places at the Committee table.*

2. **Mr. Garcés Sanagustín** (Spain) said that there were 8,354,279 children and adolescents in Spain. They accounted for almost 18 per cent of the population, or almost 0.5 per cent more than in the previous decade. Both current and future generations stood to benefit from well-targeted policies on their behalf.

3. The major cultural and regulatory reforms introduced following his country's ratification of the Convention in 1990 had begun in 1996, with the amendment of the Organic Act on protection of minors, and had culminated in 2015 with the adoption of two laws amending 20 legal texts on the protection of children and adolescents. Spain had become the first country to incorporate the best interests of the child into its legislation as a substantive right, an interpretative principle and a rule of procedure. Political parties, civil society, representative bodies and social workers shared the aim of incorporating children as a common denominator in the country's policies.

4. The final report assessing the Second National Strategic Plan for Children and Adolescents (2013–2016) had been adopted in July 2017 and was available on the website of the Ministry of Health, Social Services and Equality. Work had begun on the Third National Strategic Plan (2018–2022), in which the Committee's recommendations would be taken into account.

5. Civil society played a vital role in promoting support for children's rights in coordination with public-sector institutions at various levels of government. The legislation of the State and the autonomous communities was being amended to ensure that children and adolescents were given the opportunity to express their views on matters affecting them. In September 2016 a Committee on the Rights of Children and Adolescents had been established in the Congress of Deputies.

6. The two laws adopted in 2015 were designed to provide minors with legal protection in line with the Convention on the Rights of the Child. They also reflected a greater recognition of the role that minors played in society and of the need to facilitate their exercise of that role. All new laws provided for an analysis of their impact on children and adolescents. The Spanish legal order thus increasingly reflected the perception of children and adolescents as participatory and creative actors who were capable of effecting change in their personal and social environment in order to meet their own needs and those of other members of society.

7. The right to education was universally guaranteed at all levels of the education system. At the primary education level, Spain ranked second among Organization for Economic Cooperation and Development (OECD) countries in terms of reading comprehension. At the secondary level, it had recorded improvements in the key areas of science, reading and mathematics. Furthermore, the school dropout rate had been reduced by half in the last 10 years.

8. The Strategic Plan for Harmony in Schools 2016–2020 was being implemented with a view to addressing the problem of school bullying and promoting peaceful coexistence in educational institutions. The telephone helpline launched under the Plan had received almost 30,000 calls.

9. In line with the European Strategy for a Better Internet for Children, Spain had established a Safer Internet Centre for children in February 2017 to promote the safe and responsible use of the Internet.

10. The mortality rate for infants under 1 year of age was 2.68 per 1,000 live births, and life expectancy at birth was currently 83.11 years. All children and adolescents benefited

from universal health care, and the national health system had adopted a health promotion and prevention strategy in December 2013.

11. An assessment of the 2009–2016 National Drug Strategy had revealed an increase in the age at which drug use started and a reduction in the consumption of tobacco and illegal drugs. The Congress of Deputies, the Senate and the autonomous communities were currently drafting a law aimed at preventing the consumption of alcohol by children and adolescents.

12. Action was being taken to raise awareness of the seriousness of the problem of childhood obesity, and public and private initiatives were being launched to promote healthier eating habits and physical fitness.

13. Spain was an open society with different types of families. Work-life balance was a key objective and article 154 of the Civil Code, as amended, promoted shared responsibility. In the context of the 2015 fiscal reform initiative, families with children benefited from annual tax savings totalling almost €1.5 billion. Special protection measures, including unemployment benefits, were provided for the most vulnerable families. In the area of housing, since 2013 more than 43,000 families had benefited from mortgage debt restructuring and 9,020 families had been given access to the Social Housing Fund.

14. The Central Register of Sex Offenders had been established to prevent offenders from having contact with children or adolescents. Victim assistance offices had been established, and the Asset Recovery and Management Office provided special services for child and adolescent victims.

15. On 27 December 2017 the Congress of Deputies and the Senate had adopted the State Pact against Gender-based Violence. The measures designed to protect children and adolescents included child custody reforms and promotion of relevant activities in the education system. As child sex trafficking was a key cross-border challenge in the modern world, Spain had adopted a comprehensive plan to counter child trafficking and had allocated almost €100 million for the purpose.

16. With regard to children's participation, the Child-Friendly Cities programme was intended to improve the living conditions and enhance the participation of children and adolescents through the development of effective municipal policies for protecting and promoting children's rights. The network currently comprised 170 municipalities throughout the country. In addition, more than 3,000 children in different parts of Spain had been involved in producing the report currently before the Committee (CRC/C/ESP/5-6).

17. Eight of the 17 Sustainable Development Goals explicitly mentioned policies on behalf of children and adolescents. The Spanish Government was determined to do its utmost to support children in the areas of poverty reduction, food, health, education, equality, sustainable cities and promotion of peace.

18. **Ms. Khazova** (Coordinator, Country Task Force), referring to the State party's description, in its report, of the action it had taken to fulfil its core responsibility of disseminating the Convention, said that the Committee had been informed that there continued to be limited awareness of the existence of the Convention and of how it was to be implemented, both among children and adolescents and among those working with them. For instance, in many schools the curriculum did not include a mandatory course on children's rights. She asked whether any improvements were envisaged and whether provision was made for regular and up-to-date training.

19. While she welcomed the measures taken to prevent and combat discrimination against children, discrimination regrettably persisted, for instance against Roma children, children with disabilities and children in the context of migration. The case of Roma children was particularly sensitive, in part because the Roma community frequently resisted inclusion. She asked whether the State party saw the need for more determined action and whether the 2012–2020 national strategy for the social inclusion of the Roma population included initiatives to work with the Roma community and Roma mediators. According to the report, settlements of Roma families from Eastern Europe in some Spanish cities were a source of special concern. She asked whether the authorities had found a way of tackling the problem and preventing violations of children's rights.

20. Welcoming the inclusion of the best interests of the child in the 2015 legislation on the protection of children and adolescents, she asked whether criteria for determining the child's best interests existed in the State party. She also wished to know whether the best interests of the child were consistently invoked in the decisions of courts and child protection bodies, and whether the same criteria were used by judges in the autonomous communities. Were judges, prosecutors, lawyers and all other persons involved in decision-making in the State party trained in how to assess the best interests of the child?

21. The Committee had the impression that children's views were rarely heard or taken into account in the decision-making process. She asked why legislative advances in that regard were not being implemented. She wished to know whether the threshold of 12 years as the minimum age at which children could express their views in court had been abolished, and whether the Civil Code and the Code of Civil Procedure had been amended to remove obstacles to minors' expression of their views in family disputes. What legislative and practical measures had been taken to change the existing mindset and promote the adoption of a holistic approach so as to support children's right to participate?

22. **Mr. Kotrane** (Country Task Force) said that he welcomed the State party's ratification of the Optional Protocol to the Convention on a communications procedure, as well as the adoption of Organic Act No. 8 and Organic Act No. 26 of 2015 introducing changes in the system for the protection of children and adolescents.

23. The Human Rights Committee expressed regret, in its concluding observations on the sixth periodic report of Spain (CCPR/C/ESP/CO/6), that despite the provisions of article 10 of the Spanish Constitution, the International Covenant on Civil and Political Rights was not directly applicable in the domestic legal system. He asked what steps had been taken to ensure that the Convention was directly applicable and that the domestic legal system was fully compatible with the State party's obligations under the Convention.

24. Noting that 75.4 per cent of the measures set out in the Second National Strategic Plan for Children and Adolescents had been implemented, he enquired about measures and programmes aimed at the continued implementation throughout the country, including in the autonomous communities, of a comprehensive policy comprising all areas covered by the Convention. Furthermore, noting the role played by the Interregional Commission on Children and the Family in promoting coordination of the implementation of sectoral policies, he enquired about measures aimed at boosting coordination within the central administration and between the autonomous communities.

25. With regard to the allocation of resources, the Committee had the impression that children were not given priority in the State party's policies and programmes. It was concerned about the lack of progress in producing a coherent budgetary analysis to identify, monitor and mobilize resources to promote children's rights. According to the replies to the list of issues (CRC/C/ESP/Q/5-6/Add.1), the budgets of the various public administrations did not identify the specific amounts spent on children. While Organic Act No. 26/2015 required the economic impact of legislation to be measured and assessed, the Committee noted with concern that Royal Decree No. 931/2017 of 27 October 2017 failed to require draft budgets to include an analysis of the impact on children. He asked what measures were being taken to promote a comprehensive assessment of budgetary requirements for children in all autonomous communities, to guarantee transparency in the use of such resources, and to promote public dialogue, especially with children, and the accountability of regional and local authorities.

26. **Mr. Madi** (Country Task Force) said it was his understanding that the offices of the Ombudsman for Children in the Community of Madrid had been closed in order to optimize public resources at a time of financial crisis, but that offices of the Ombudsman for Children were still operating in other autonomous communities. He encouraged the State party to reopen the offices in Madrid.

27. A National Plan on Business and Human Rights had been submitted to the Council of Ministers in June 2014, but it was unclear whether the Plan had been approved. He enquired about its current status and about measures to ensure that the business sector protected children's rights domestically and internationally, in line with the Sustainable Development Goals.

28. Noting that thousands of children attended bullfighting training schools, he asked what the minimum age for enrolment was and, given the physical and psychological impact of bullfighting, what steps had been taken to ensure that persons under the age of 18 were not allowed to participate in or attend such events.

29. While the State party was to be commended for having raised the minimum age for marriage under exceptional circumstances from 14 years to 16 years, he asked whether it had considered removing the exception entirely.

30. **Mr. Pedernera Reyna** (Country Task Force) said that he wished to know what steps had been taken to combat the sale of children born to surrogate parents in third countries, what the legal status of such children was and whether they had access to information about their biological parents.

31. Regarding measures to enable children to exercise their right to participate, he asked how the structures to facilitate participation were managed, in particular in schools; how many participation councils had been established, how many children belonged to them and what budgets had been allocated to them; whether Act No. 8/2013 would be amended in order to ensure that the decisions reached by children on school councils were binding; and how the State party ensured that local authorities took children's opinions into account. It would also be interesting to know what was being done to ensure the participation of vulnerable groups, in particular migrant and Roma children and children with disabilities. Furthermore, he asked whether the justice and banking systems took children's views into account in relation to eviction processes.

32. While welcoming the progress made in the area of information and communication technologies, he nonetheless wished to know whether any measures had been adopted to regulate children's access to social media and the Internet; encourage the development of high-quality, varied digital content for children and families; and update school curricula and train teachers to respond to the challenges posed by technology. He asked for information on the status of the State Council on Audiovisual Media and on whether it would be replaced or brought into operation as originally envisaged.

33. **Ms. Skelton** (Country Task Force) said that she wished to know whether the State party had any statistics on the impact of its efforts to discourage the use of corporal punishment and, if the desired results had not been achieved, whether any other initiatives were planned. She also asked what measures were applicable to individuals accused of using corporal punishment; whether all the programmes provided for under Act No. 26/2015 had been implemented; what progress had been made towards adopting the bill on violence against children and adolescents; and how the State party would ensure that, once adopted, that law would be applied fully in the autonomous regions. With regard to child abuse by family members, she asked whether risk factors had been assessed and what preventive measures had been adopted as a result.

34. She welcomed the creation of a sex offenders register and asked whether children and adolescents who committed sexual offences were automatically included in it. She also wished to know whether the State party had considered amending the law to provide an exception to the statute of limitations for sexual offences against children. Although various helplines existed for reporting offences, she wondered whether the State party had considered introducing a single, 24-hour helpline available in all autonomous communities.

The meeting was suspended at 10.55 a.m. and resumed at 11.20 a.m.

35. **Mr. Rey Varela** (Spain) said that the State and the autonomous communities shared responsibility for implementing policies on children's rights. They worked in coordination through the Territorial Council for Social Services and for the System of Empowerment and Care for Dependent Persons, the Interregional Commission on Children and the Family and the Children's Observatory. The governments of the autonomous communities also worked with local authorities to address cases specific to each community.

36. With regard to funding, Spain was experiencing a period of economic growth across all regions, as a result of which the budget for the development of public policy on children and the family had increased by 52 per cent since 2015, reaching a total of €133 million.

37. **Mr. Garcés Sanagustín** (Spain) said that, although the authority of the central Government with regard to social policy matters was limited, the policies that it adopted served as a model on which all other policies were designed.

38. **Mr. Kotrane** said that he would appreciate more information on the growth in budgetary allocations for the development of public policy on children and the family, given that the 1.6-per-cent increase cited in the written replies (CRC/C/ESP/Q/5-6/Add.1) appeared to contradict the figure provided orally by the delegation.

39. **Mr. Garcés Sanagustín** (Spain) said that the figure mentioned by the delegation represented the cumulative growth over the preceding three years, whereas the figure cited in the written replies represented the growth achieved across all levels of government since the preceding year. The lower growth achieved by some autonomous communities had affected the overall average.

40. **Ms. Gonzálvez Vicente** (Spain) said that courses on the application of the Convention and the Committee's general comments were held annually for lawyers, prosecutors and judges. In addition, the National Strategic Plan for Children and Adolescents included measures to ensure that children and adolescents were aware of their rights and could contribute to initiatives to enforce them.

41. With regard to discrimination against children, both the proportion of Roma children who were illiterate and the proportion who were neither in school nor in formal employment had decreased, while the proportion who had completed post-compulsory education had risen from 2.6 per cent to 7.7 per cent and the school attendance rate had risen to 89.2 per cent. Furthermore, no Roma children were intentionally segregated from other students.

42. With respect to judicial decisions, the best interests of the child had been expressly referred to in over 1,200 rulings, of which 213 also referred specifically to the Committee's general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration. The opinion of the child, regardless of age, was taken into account in court cases involving family disputes or international child abduction. The legal provision that referred to children aged 12 or over did not mean that the views of younger children were not considered; rather, it reflected a presumption that children aged 12 or over were mature enough to express their views directly in court. Allowances were made in cases of doubt, taking the child's age and circumstances into account. Suitable language was used and the child was briefed as to what to expect before testifying. Training was also provided to judges and prosecutors on how to uphold the right of the child to be heard. If a court denied a child that right, it was obligated to state its reasons. Such decisions could be appealed against before a higher court.

43. Since its establishment, the Interregional Commission on Children and the Family had worked with the autonomous communities to build consensus on issues such as the creation of an interregional support mechanism and the development of a bill on violence against children and adolescents.

44. **Ms. Khazova** said that she wished to know whether the age threshold for assessing a child's maturity posed an obstacle to ensuring that the child's right to be heard was respected in court. She asked whether the duties and obligations of the child as set out in Act No. 26/2015 were compliant with the rights of the child under the Convention and whether the opinion of children on those provisions had been sought.

45. **Ms. Gonzálvez Vicente** (Spain) said that the age threshold did not pose a problem because Act No. 1/1996, which took precedence over the Civil Code, provided that all children had the right to be heard regardless of age. In each case, the best interests of the child were assessed, taking the specific circumstances into account.

46. With regard to the exception to the minimum age for marriage, no calls for further changes had been made by Spanish society. The marriage of persons under the age of 18 was permitted only in the most exceptional circumstances.

47. The Government was working with all relevant ministries and organizations to review the bill on violence against children and adolescents. The negotiations were

expected to be concluded by September 2018. There continued to be significant political interest in ensuring that the bill was adopted.

48. **Mr. Cabello Sáenz de Santa María** (Spain) said that the rights enshrined in the Convention were included in both primary- and secondary-school curricula and teacher training programmes. Children were involved in decision-making through school councils established at the level of the State, the autonomous communities, cities and individual schools. Lastly, the National Institute of Educational Technology and Teacher Training provided all teachers with guidance on the development of shared digital educational resources and drew up digital curricula that were subject to strict quality standards.

49. **Ms. Miguel Pérez** (Spain) said that the school enrolment of Roma children between the ages of 6 and 12 had risen to almost 100 per cent and the proportion of Roma children enrolled at their age-appropriate grade level had also increased. In addition, periods of absence from primary school of more than three months were down by 3 per cent. The Ministry was working with the Roma Secretariat Foundation and the Roma Cultural Institute Foundation to promote Roma culture in schools.

50. The Ministry's toll-free hotline for victims of school bullying operated 24 hours a day, 365 days a year, and was staffed by counsellors and other trained professionals. It had received over 29,000 calls, of which over 200 had been referred to education inspectorates and around 150 to law enforcement. The Government had also published a study describing the types, frequency, victims and perpetrators of bullying.

51. **Mr. García Navarro** (Spain) said that the master plan for coexistence and improved safety in and around education centres had been implemented in part to address concerns relating to the age of first drug use. It also provided for the dissemination of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography; in that regard, steps had been taken to raise awareness among children, parents and teachers of the threats related to child prostitution and child pornography. In addition, a 2017 instruction issued by the State Secretariat for Security underlined the importance of protecting the rights enshrined in the Convention in all police activities.

52. Bullfighting was regulated in an overarching sense by the State but more specifically by the autonomous communities. In any case, the participation of children in bullfighting was prohibited and subject to penalties. Children in bullfighting schools were supervised.

53. **Mr. Madi** said he understood that children as young as 14 years old could participate in bullfighting. The State party should take measures to raise the age limit to 18 years. He also wished to know which specific law governed bullfighting.

54. **Mr. García Navarro** (Spain) said that the minimum age of 14 years applied only to activities within bullfighting schools. The law in question was Royal Decree No. 145/1996.

55. With regard to the participation of children in public life, Organic Law No. 4/2000 on the rights and freedoms of foreigners in Spain and their social integration referred specifically to the capacity of minors between the ages of 16 and 18 years to participate in repatriation proceedings.

56. The master plan for coexistence and improved safety in and around education centres aimed to enhance prevention of the risks posed to children by the Internet and new technologies. In that connection, the police had rolled out the "Cyber-Experts" training course to teach children about safe Internet use.

57. **Mr. León Cavero** (Spain) said that Act No. 25/2014 on treaties and other international agreements required all public bodies to meet their obligations under international treaties in force. In that connection, the Constitutional Court had handed down rulings expressly recognizing the best interests of the child as fundamental to the protection of human rights.

58. In 2012, the Government had amended mortgage legislation to protect borrowers and provide for the establishment of debt-restructuring measures. The law stipulated that repossessions should be subject to one month's notice, or two months' notice in certain cases. In response to three requests for interim measures, the European Court of Human Rights had called for an immediate halt to eviction procedures which it deemed to prejudice

children's rights. However, Spain had clearly demonstrated that evicted families' needs were systematically assessed, adequate alternative housing was provided and children's rights were protected.

59. **Ms. Khazova** asked whether the Committee could be absolutely certain that children would not end up on the streets when their families were evicted.

60. **Mr. León Cavero** (Spain) said that, in every case in which he had been involved as a representative of Spain before the European Court of Human Rights, the domestic courts had collaborated with the local authorities and immediate action had been taken to meet the needs of any children affected by evictions.

61. **Ms. Fuentetaja Cobas** (Spain) said that the registration of persons born to surrogate mothers abroad required a judicial ruling from the competent court to establish their family relationships. Parliamentary debate on the subject was ongoing.

62. Under article 132 of the Criminal Code, the statutory limitation period for offences against the sexual integrity or freedom of minors was calculated from the time when the minor reached the age of majority.

63. The Central Register of Sex Offenders contained information on both adult and juvenile offenders. Information on minors who were victims of crimes against sexual integrity or freedom pertained to their status as minors only, not to their identity.

64. **Ms. Khazova** said that, since the status of children born to surrogate mothers abroad was determined through court proceedings, she would like to know what the status of such children was while those proceedings were ongoing.

65. **Mr. León Cavero** (Spain) said that such children were registered in the Civil Registry and were afforded the same legal protection as all other children.

66. **Ms. Gonzálvez Vicente** (Spain) said that those children remained in the care of the persons who were registered as their parents unless there was any risk to their safety, in which case the relevant autonomous community took the necessary measures to protect them.

67. **Mr. Castellanos** (Spain) said that, according to a final assessment conducted in July 2017, the implementation of the Second National Strategic Plan for Children and Adolescents had been satisfactory. A third such plan, which would reflect the Committee's recommendations, was being developed with the help of the Children's Observatory. In late 2017, the Observatory had adopted a document establishing procedures for the care of minors who were victims of trafficking.

68. Although the State Council on Audiovisual Media had not been established in practice, its functions, including regulation, were carried out by the National Commission for Markets and Competition. The Safer Internet Centre, which had been in operation for one year thus far, provided guidelines for parental control of Internet access and ran a helpline and a complaints line.

69. Although the office of the Ombudsman for Children in the Community of Madrid had been closed, work continued on all pending cases, which had been taken over by the national Ombudsman.

70. The 116111 European Union children's helpline had been implemented nationwide since 2012 or 2013.

71. As part of the Child-Friendly Cities initiative launched by the Spanish Committee for the United Nations Children's Fund (UNICEF), 170 municipalities had established children's councils. In addition, 10 autonomous communities had established regional youth councils.

72. **Mr. Díez Mateo** (Spain) said that the budgets allocated for the protection of children and adolescents were the responsibility of the State administration, several ministries and the autonomous communities, which carefully monitored the use of such funds.

73. **Ms. Méndez Díaz** (Spain) said that in July 2017, the Council of Ministers had adopted the National Plan on Business and Human Rights, under which awareness-raising campaigns would be conducted on the protection of vulnerable members of society. Particular consideration would be given to general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights. The Government would also promote self-regulation initiatives such as the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

74. **Ms. Khazova** said that she would appreciate information on why so many children were in residential care. She wondered whether there were plans to invest in measures to prevent the removal of children from their families and in efforts to create decent conditions in care institutions. Were such initiatives financed by the State or by the autonomous communities? She wished to know what entities decided upon such removal and whether the process could be better coordinated among the different authorities involved. She would welcome clarification of a 2015 amendment to the Civil Code under which State guardianship of a minor terminated six months after he or she was discharged from a protection centre. She would be interested to hear about the adoption system, including details on the possibility of creating a single adoption registry and on the coordination of the relevant regional bodies.

75. She would like to know whether the reported shortage of paediatricians was the reason that children aged 15 years and over were treated by general practitioners, and whether general practitioners received training on the treatment of adolescents. She would welcome additional information on children's access to health services under various circumstances.

76. The Committee was concerned about the continued practice of non-consensual genital mutilation of intersex children and would like to know whether there were plans to put a stop to such procedures. The Committee would also appreciate information on child mental health services in the autonomous communities; plans to address the overdiagnosis of attention deficit hyperactivity disorder and the overprescription of drugs to children with behavioural problems; strategies for combating alcohol and drug consumption by children; activities carried out to combat childhood obesity; and measures to increase breastfeeding rates.

77. Lastly, she would like to know how the State party was dealing with the alarmingly high rate of child poverty in the country.

78. **Ms. Skelton** said that she wished to know whether any legislation or case law required courts to consider the best interests of the child when sentencing offenders who were primary caregivers to children. She would also appreciate statistics on the overrepresentation of Roma mothers and children in mother-and-baby prison units.

79. She requested more information about the education system, including details on disparities in access, particularly among marginalized communities; Spain's position on universal access to early childhood education; how the State party had managed to halve the school dropout rate; possible measures to solve the particular problems affecting Roma and migrant children; progress made in the eradication of gender stereotyping in curricula and textbooks; and access to safe and inclusive places for play and socialization.

80. She asked why judges who were trained in juvenile justice had recently been assigned to general courts. She would also like to know why the prohibition of incommunicado detention was applicable only to detainees under the age of 16 years, instead of 18 years, which was the age of majority. She would welcome an account of how child victims testified in court proceedings.

81. Finally, it would be helpful to learn which minority groups lived in Spain and how policies and services were developed to ensure the inclusion of minority children.

82. **Mr. Madi** said that although the Committee applauded the Government's efforts to accommodate many unaccompanied migrant and refugee children, it still had serious concerns about issues such as the large number of complaints filed against Spain under the Optional Protocol to the Convention on a communications procedure. Violence and lawlessness had increased in the border areas of Ceuta and Melilla, where refugees were

automatically sent back to Moroccan authorities without any legal guarantees, a practice that violated both the Convention on the Rights of the Child and the 1951 Convention relating to the Status of Refugees.

83. The Public Prosecutor's Office routinely conducted age assessments of migrant and refugee children, even in situations where documentary proof of age was available and despite numerous Supreme Court decisions confirming the irregularity of the practice. The children involved had no legal assistance and, in most cases, no opportunity to appeal. The resulting uncertainty of their legal status deprived them of access to education and health care.

84. The relevant authorities had taken no measures to address the dangerous conditions at reception centres, where overcrowding, violence and prostitution were serious problems. In addition, there was a troubling lack of effort to facilitate family reunification; a particular source of worry was the practice of separating migrant and refugee children from their families until kinship was proved by DNA testing.

85. The Committee maintained its earlier recommendations regarding the Optional Protocol to the Convention on the involvement of children in armed conflict. It also recommended the establishment of a mechanism for both the early identification of children who might have been involved in armed conflict abroad and the provision of assistance to those children. Finally, the Committee would appreciate information on how Spanish children who had joined Islamic State in Iraq and the Levant (ISIL) were treated by the authorities upon their return to Spain.

The meeting rose at 1 p.m.

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Chair: Ms. Winter

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Spain (*continued*) (CRC/C/ESP/5-6; CRC/C/ESP/Q/5-6 and CRC/C/ESP/Q/5-6/Add.1)

1. *At the invitation of the Chair, the delegation of Spain took places at the Committee table.*

2. **Mr. Kotrane** (Country Task Force) said that he appreciated the large amount of information provided on measures to combat the sale and sexual exploitation of children. In that regard, he asked what progress the Children's Observatory of the Ministry of Health, Social Services and Equality had made in drawing up a framework protocol for the identification and care of child victims of trafficking in persons, with a view to ensuring that all stakeholders adopted the same practices when identifying children in need of protection.

3. Noting that 17 Spanish companies and organizations had subscribed to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, he asked the delegation whether any criminal proceedings had been brought against companies or organizations as a result of their involvement in such exploitation. Lastly, recalling that Spain recognized extraterritorial jurisdiction under Organic Act No. 1/2014, he asked whether there had been any investigations, prosecutions or convictions relating to acts contrary to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography that had been committed outside Spain.

4. **Ms. Khazova** (Coordinator, Country Task Force) said that she wished to know what plans had been developed to reduce the State party's reliance on coal-fired power plants, whose continued operation caused high levels of pollution, with adverse health impacts on children. Also, had specific measures been taken to ensure the full inclusion of children with disabilities in social life?

5. **Ms. Miguel Pérez** (Spain) said that the Ministry of Education, Culture and Sport was concerned about the increased number of diagnoses of attention deficit hyperactivity disorder. Children diagnosed with that disorder were classified as having special educational needs and were mainstreamed in the regular education system and supported by specialists. Although the effects of medication on students had not been studied in Spain, the Ministry had developed a plan on neuroscience applied to education, with advice from leading researchers in the field.

6. Corporal punishment in schools was strictly prohibited and had been practically eradicated in the country. Those who failed to observe the ban faced severe disciplinary measures such as suspension from work without pay.

7. Regarding measures to reduce the school dropout rate, the Government had allocated €20 million to the Territorial Cooperation Programme for Support and Advancement in Education and Retention in the Education System (PROEDUCAR), which aimed to bring the dropout rate below 10 per cent, and had trained some teachers to serve as mentors who specialized in dealing with students in situations of risk and vulnerability. The Government's flagship initiative was the opening of "second chance" schools, where young people who had left the education system without qualifications could combine their studies with vocational training and paid work experience.

8. The Ministry of Education, Culture and Sport addressed gender stereotypes under its strategic plan for harmony in schools, which included clearly defined action lines on education and gender, and had worked with partners to develop the Intercambia ("Exchange") programme that promoted respect for women and girls in schools.

9. Regarding measures to promote educational achievement among vulnerable and minority students, the Ministry had a programme to support the education of the itinerant population, under which, for example, it provided teachers, funding and computer equipment to 12 circuses, benefiting 100 students. Specific programmes were being implemented for the education and integration of Roma students, such as the development

of learning communities in which Roma adults were given training in basic education so as to enable them to support their children's studies. The Ministry provided annual subsidies for several programmes and projects that were implemented in conjunction with Roma associations, and it worked with non-governmental organizations (NGOs) to promote the integration of immigrant children in schools and training, notably in the autonomous cities of Ceuta and Melilla.

10. **Mr. Pedernera Reyna** (Country Task Force) said that he would welcome comments from the delegation on reports that in some autonomous communities classes were taught in temporary cabins. What measures did the State party envisage to ensure that children were taught in adequate conditions?

11. **Mr. Cabello Sáenz de Santa María** (Spain) said that the installation of prefabricated classrooms or cabins in schools was not part of a planned strategy. The problem was that the supply of schools could not keep up with changes in population; it was not possible to build schools overnight. Temporary cabins were only installed as a last resort and would be removed under the infrastructure plans that were submitted by the autonomous communities at regular intervals.

12. **Ms. Skelton** (Country Task Force) said that she was interested to know what measures the State party was taking to ensure inclusive education for children with disabilities.

13. **Ms. Miguel Pérez** (Spain) said that the Ministry of Education, Culture and Sport had made considerable progress in the inclusion of children with disabilities. To meet the obligations of Spain under the Convention on the Rights of Persons with Disabilities, the Ministry offered work experience placements to persons with Down syndrome and persons with intellectual disabilities under agreements concluded with associations representing such persons; it had also reached an agreement with the State Confederation of the Deaf on the needs of hard-of-hearing and deaf students. Spain was also developing inclusion policies through the Ibero-American Intergovernmental Cooperation Network for People with Special Educational Needs, with funding from the United Nations Educational, Scientific and Cultural Organization (UNESCO).

14. **Mr. Cabello Sáenz de Santa María** (Spain) said that the Government and various stakeholders were negotiating a national pact on education that would give continuity to education policies and provide a framework for efforts to reduce the school dropout rate. Other initiatives included the introduction of a new vocational education stream, the use of new technologies as a means of motivating students and the development of cooperation plans with the autonomous communities.

15. The coverage of education for children up to the age of 3 was uneven, since such education was governed by either autonomous communities or local authorities; moreover, the enrolment of children in that age group was not mandatory. However, since 2006 the Government had seen a significant increase in enrolment in kindergartens, to the point where more than 90 per cent of children aged 3 to 6 years now attended. Primary education was compulsory for all children aged 6 and above and enrolment at that level was subject to stricter oversight by the authorities.

16. Concerning disparities in access to education, the Government recognized that guaranteeing the right to education involved measures to address its hidden costs, including through the provision of books, transport and meals. The Ministry of Education, Culture and Sport and the autonomous communities had allocated €50 million to the purchase of educational materials in 2017/18; that figure was likely to increase. Education authorities in the autonomous communities were responsible for providing transport and meal services, either directly or through subsidies to local providers, while the Ministry contributed about €200,000 per year towards education-related activities carried out by parents' associations.

17. **Ms. Mateu** (Spain), noting the questions raised by the Committee in respect of lifestyles and risk factors, said that the Government had developed and adopted its health promotion and prevention strategy in the national health system under the "Health 2020" European health policy framework of the World Health Organization. The strategy was aimed at promoting healthy living through measures to address five factors that influenced

the onset of 80 per cent of preventable non-communicable chronic diseases, namely diet, tobacco consumption, alcohol consumption, physical activity and emotional well-being. Developed with the full participation of ministries, autonomous communities and municipalities, the strategy identified the under-15 and over-50 age groups as its target populations, with the goal of increasing the number of years lived in good health. To implement the strategy, between 2014 and 2017 the Ministry of Health, Social Services and Equality had invested over €200,000 in 28 training courses for professionals in the national health system, and had increased funding for courses in 2018. An online course on positive parenting would be delivered to health professionals, families and teachers, in the hope that it would yield positive outcomes in line with the authorities' firm stance against corporal punishment.

18. **Ms. Khazova** said that she would be grateful for confirmation concerning the age group targeted by the health promotion and prevention strategy, and for information on the results obtained, if any.

19. **Ms. Mateu** (Spain) said that while the strategy prioritized children up to the age of 15 years, some components were specific to certain age groups, such as an alcoholism prevention course for 12- to 15-year-olds. The Ministry of Health, Social Services and Equality was monitoring annual indicators but would not carry out a final evaluation of the strategy until 2020, when other European countries participating in the "Health 2020" framework would also report.

20. Concerning the consumption of cannabis, recent data reported under the National Plan on Drugs 2009–2016 suggested that cannabis use had decreased slightly between 2008 and 2015. A new strategy for the prevention of drug use and addiction, which would focus more on the causes of addiction and on opportunities for prevention, was due to be adopted in early 2018.

21. In response to the question on children's health care, she said that children under 14 years of age generally received such care from paediatricians. However, the autonomous communities differed in terms of the care provided to children between the ages of 14 and 18 years, with some health authorities referring them to paediatricians and others to general practitioners. There was an ongoing debate over the health-care models applied in Southern European countries, where paediatricians were more prevalent, and Northern European countries, where children were more likely to see a general practitioner. In any event, family doctors were always fully trained in the medical care of children.

22. There was a shortage of resources in the area of mental health, particularly with respect to hospital admissions. The conclusion of the national health system's mental health strategy for the period 2009–2013 had resulted in a commitment to develop a protocol on the mental health care of children and adolescents, with the establishment of minimum standards for the programmes implemented by the autonomous communities. While the autonomous communities were reporting different levels of success in the provision of primary care in the area of mental health, all remained committed to its improvement.

23. Intersex children were dealt with initially at the primary care level before they were referred for specialist care. Intersexuality was obviously a very complex issue, and extreme caution was exercised with regard to decisions to perform genital surgery; the general approach was to wait to see how the child developed during adolescence before proceeding to any medical intervention, in line with recommended practice. There were very few cases in which surgery had been carried out on children, although no specific data were available. There were sufficient resources to provide the appropriate services to the small number of intersex children in the country.

24. Statistics on breastfeeding were made available online. The breastfeeding rate had remained stable for many years: almost 87 per cent of mothers breastfed exclusively for the first month, and 23 per cent for the first six months. There were a number of factors behind the lower rates of breastfeeding beyond the first few months, including mastitis and other conditions and the end of maternity leave. The Government had made breastfeeding a priority; for example, it provided €70,000 annually to support the Baby-friendly Hospital Initiative.

25. With regard to early intervention and care, the Healthy Child programme was implemented by all primary care facilities, which detected any impairments that could lead to disabilities. Such cases were then referred to specialist care. Each autonomous community had its own care model, but a white paper on early care had been published some 15 years previously with the agreement of all the autonomous communities, and common protocols were also in place.

26. **Mr. Rodríguez Reyes** said that he would be interested to know whether there was a data collection system to identify the exact number of intersex children in the country, whether there were guidelines and procedures for training medical personnel on the issue, and whether there were any legal measures related to intersex persons.

27. **Ms. Mateu** (Spain) said that Spain did not have a national health-care register; each autonomous community collected its own statistics. There were guidelines on the management of intersex conditions, and the scientific community had worked on the issue. With regard to training, certain centres had developed particular expertise in that area because they had experienced greater demand for services. Overall, there was a good level of knowledge of intersex conditions among health-care personnel. Thanks to the health-care card system, children could obtain services in the autonomous community of their choice, and there was a great deal of flexibility in the health system.

28. **Ms. Khazova** said that the delegation should clarify whether adolescents up to the age of 18 were also included in the healthy lifestyle programme.

29. **Ms. Mateu** (Spain) said that, although the programme prioritized children under the age of 15, it did include activities aimed at adolescents between the ages of 15 and 18 in areas such as sexual and reproductive health. The National Public Health Commission, which included representatives of all the autonomous communities, identified health-care issues to be referred to the interregional council of the national health system for coordination.

30. **Ms. González Vicente** (Spain) said that the regulations on international adoption would be approved in the coming months, after which a national adoption register would be put in place with the aim of enhancing transparency. Prospective adoptive parents would be able to contact any of the accredited adoption agencies, safe in the knowledge that criteria and costs had been standardized. According to data for 2016, there were 14,104 children and adolescents in residential care across the country and a further 19,641 in family-based care, either with their extended family or with a foster family. The legislation passed in 2015 defined the criteria for foster families and provided that priority should be given to family-based care over residential care. Campaigns were being run to promote placement with relatives in order to ensure that children, especially those under the age of 6, were not placed in residential centres. The Government was working with NGOs on programmes to support adolescents in family-based care, and tax incentives for fostering had been introduced. However, there admittedly were differences in approaches and services from one autonomous community to another, and there was still a shortage of foster families. Administrative decisions on child protection issues were always subject to appeal.

31. **Ms. González Méndez** (Spain) said that the uniform application of administrative rules was guaranteed through the publication of basic State regulations that were implemented by the autonomous communities. With regard to alternative care, a working group had been set up with representatives of the autonomous communities and the central Government to create quality standards for residential care to ensure consistency throughout the country. Decisions on removing a child from his or her family were currently taken by multidisciplinary technical teams in the autonomous communities on the basis of a thorough analysis of the case, expert reports and the principle of the best interests of the child. Every effort was made to keep the child in his or her family and social environment. The preferred option was always to place the child in the extended family, or in a foster family if there was no suitable relative; residential care was a last resort, and efforts were made to work towards returning children in residential care to their families. The local authorities played an important role in identifying and following up situations of risk.

32. **Ms. Gonzálvez Vicente** (Spain) said that the courts always took into account the best interests of the child, in accordance with the Convention. That principle was also reflected in the flexible sentencing of offenders who were primary caregivers to young children. Some specialized judges who had trained for work in the juvenile justice system had voluntarily chosen to take work in other areas because of a lack of vacancies in their area of specialization during the financial crisis, and there was nothing to prevent them from doing so. There was no specialized training for judges in the area of child protection, and a recommendation from the Committee in that regard would therefore be welcome.

33. **Mr. Kotrane** said that the Committee had already made a recommendation on training for judges in its 2010 concluding observations on the State party's preceding periodic report (CRC/C/ESP/CO/3-4). He would like to know whether any action had been taken in response to the related recommendation that lighter penalties should be introduced for juvenile offenders.

34. **Mr. Rodríguez del Val** (Spain) said that the law on the criminal responsibility of minors had been amended to provide for the imposition of rehabilitation and social reintegration measures rather than penalties. Any measures imposed could be reviewed in the interests of the minor. It was true that Act No. 26/2015 introducing changes in the child protection system included a provision specifying that if a minor was voluntarily absent for six months from a protection centre entrusted with his or her care, the State's guardianship would cease. That change had been made in response to the finding, by the autonomous communities, that a large proportion of foreign children in the protection network saw their stay in Spain merely as a temporary stop en route to northern Europe and chose to leave the protection centres after several weeks once their immediate needs had been met. For practical and budgetary reasons, it was not possible to extend protection to minors who had left the country. If a minor who had disappeared from a protection centre was found anywhere in Spain, the police or Civil Guard immediately notified the provincial juvenile prosecution services and the child protection authority of the autonomous community, and the file was reopened and the appropriate protection measures were provided.

35. **Mr. León Cavero** (Spain) said that incommunicado detention was automatically reported to the competent judicial authority and prosecutor and the detainee was immediately provided with a lawyer with at least 10 years of experience in criminal matters. Such detention was ordered only in very specific cases and for a very limited period, for example to prevent the commission of new crimes, the aggravation of existing crimes or the concealment of evidence in the case of members of organized crime groups, especially in relation to terrorism. Persons subjected to that type of detention were examined by a forensic doctor every 6 to 12 hours and the judicial authority ensured that all safeguards were respected. The Criminal Procedure Act had been amended in 2015 to give the judicial authority wider discretion in relation to such detention.

36. **Mr. Rodríguez del Val** (Spain) said that the application of such detention to offenders aged 16 or over was in line with Act No. 5/2000 of 12 January 2000 governing the criminal responsibility of minors, which divided minors into two groups: 14- and 15-year-olds and 16- and 17-year-olds. As persons in the latter group were more likely to be involved in more serious crimes, they were subject to harsher penalties.

37. **Mr. Pedernera Reyna** said that he would welcome details on the maximum duration of such detention and on the crimes for which it could be imposed.

38. **Mr. Rodríguez del Val** (Spain) said that the delegation would provide the Committee with a copy of the Criminal Procedure Act, which detailed the crimes for which such detention could be ordered.

39. **Mr. García Navarro** (Spain) said that minors could be held in incommunicado detention for a maximum of 24 hours, during which time an extension of up to 48 hours could be requested.

40. **Ms. Fuentetaja Cobas** (Spain) said that, under the amended law on free legal assistance, minors who were victims of crime received such assistance regardless of their financial situation. Every effort was made to guarantee minors' privacy and avoid revictimization. Special training for lawyers addressed both the best interests of the child

and the provision of free legal assistance. The Act on the Status of Victims of Crime contained a catalogue of procedural and extraprocedural rights and individualized protection measures that must take account of the victims' characteristics and needs and the crimes committed against them. Victims had the right to information in simple, age-appropriate language and to translation and interpretation, if necessary. Measures were taken to avoid visual contact between the victim and the perpetrator, to avoid questions about the victim's private life that were not directly related to the crime, and to ensure that the victim could give testimony without having to be present in the courtroom. Victim support offices provided holistic assistance to minors. A working group had been set up in December 2017 to draft a specific protocol on assistance to minors who were victims of crime.

41. **Mr. Rodríguez del Val** (Spain) said that prosecutors in Spain were required to ensure that all child victims could exercise their rights to receive information on the proceedings to which they were parties, to be represented by counsel and to appeal against the dismissal of such proceedings. Child victims making statements in cases heard in the juvenile justice system had the right to be accompanied by an adult of their choosing. The protection of child victims was paramount. The right of expert witnesses such as psychologists to testify in support of child victims' statements had also been recognized.

42. **Mr. León Cavero** (Spain) said that the Constitutional Court had ruled that child victims should not be made to suffer unnecessarily in proceedings to clarify the circumstances of the crimes committed against them or to determine the guilt of the alleged perpetrators. That ruling was not simply an enunciation of an ideal; it was adhered to in practice, and its legitimacy had been upheld in international proceedings. In a 2014 decision, for example, the European Court of Human Rights had rejected an application submitted by a Spanish national who had been convicted of sexual abuse by the Spanish courts on the basis of recorded interviews with his young victims.

The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.

43. **Mr. García Navarro** (Spain) said that in 2017 the Ministry of the Interior had adopted a protocol on the provision of statements by child victims. Such children were afforded protection by special law enforcement units. The best interests of the child were the guiding principle, and direct contact between child victims and alleged perpetrators was avoided. It was not necessary for minors to take oaths, and they could submit complaints to the police without the consent or knowledge of their parents or guardians. However, the police could decide that informing parents or guardians was in the best interests of a child who submitted a complaint.

44. Unless circumstances dictated otherwise, criminal investigation officers who took statements from child victims were required to inform the child's parents or guardians of the child's whereabouts and of the crimes committed against him or her. They were also required to collect as much information as possible about the child and the alleged crimes before taking his or her statement. The statements, which were given only when strictly necessary, were taken by officers with experience in working with minors. Law enforcement officials could also recommend that such minors should be represented by counsel.

45. As a Committee member had noted, children could remain with their imprisoned mothers up to the age of 3. There were three units for mothers in Spanish prisons that had facilities appropriate for young children, including nursery schools and playgrounds. One prison, Madrid VI, had a family unit that enabled parents who were both imprisoned to share the responsibility for raising their young children. Other facilities in which mothers convicted of crimes served their sentences accompanied by their young children included special apartments or other dwellings that were outwardly indistinguishable from ordinary dwellings. Children living in those facilities were entitled to the same public services as other neighbourhood children; in some facilities, they could also receive visits from their fathers.

46. In accordance with the Spanish Constitution, which enshrined the principle of equality before the law, and article 3 of the General Prisons Act, under which ethnic and racial distinctions were prohibited, the population of mothers in prison with their children

was not broken down by ethnicity. There were thus no statistics on the number of Roma mothers living in prisons with their children. The number of Spanish and non-Spanish mothers had been identified, however.

47. **Mr. León Cavero** (Spain) said he had noted that thus far the Committee had considered 1 of the 23 communications submitted to it in relation to Spain, all of which concerned the State's procedures for determining the age of unaccompanied foreign minors. The Spanish authorities were of the view that they had acted correctly in the case concerning the complainant whose communication had been considered, as it would have been irresponsible of them to place a person who they believed was an adult, and one who had a criminal record, in facilities that were meant for minors. They also believed that their system for determining the age of migrants was compatible with rulings handed down by the country's Supreme Court.

48. **Mr. Lafon Nicuesa** (Spain) said that when crimes were committed, the age of the alleged perpetrator was determined by a judge as part of the resulting criminal proceedings. In non-criminal cases, the Public Prosecutor's Office, acting as an autonomous guarantor of constitutional rights, ensured the integrity of the age-determination procedures that were conducted by the police, administrative agencies and other institutions. In that respect, the 2014 Framework Protocol on Procedures Applying to the Treatment of Unaccompanied Minors afforded the necessary legal, constitutional and humanitarian safeguards. A number of copies of the Protocol, which had been translated into English, had been provided to the Committee.

49. In determining a possible minor's age, the overriding principle was to act in the child's best interests. As a result, every effort was made to prevent adults from passing as minors and, as unaccompanied minors in Ceuta and Melilla were overseen by the local child protection authorities and could not be transferred to mainland Spain, to prevent minors from passing as adults. It was also in the best interests of the minors in child protection centres not to have to live with adults who were pretending to be children.

50. The Supreme Court had held that officials of the Public Prosecutor's Office could have reasonable doubts about the date of birth appearing in a possible minor's identity documents, even if the documents had been issued by a legitimate authority in the bearer's country of origin. However, such officials were required to include the reasons for their doubts in the case file. There were a number of possible reasons for such scepticism; for example, the date of birth might suggest that the bearer of the document had been born to a mother aged 9, or that siblings had been born three months apart. Persons claiming to be minors might be submitting a younger sibling's documents. In other cases, documents from a person's country of origin might have been issued without verification of the information provided by the person concerned.

51. Medical examinations, overseen by a forensic specialist, were conducted if the documentation submitted by a person claiming to be a minor was deemed unreliable. In one case, medical examinations had shown that 34 out of 35 persons who had arrived in Melilla with documentation showing that they were minors were in fact adults. In principle, however, officials of the Public Prosecutor's Office did not rely solely on either the documents submitted by claimants or the results of medical examinations. Cases were considered as a whole and on a case-by-case basis.

52. Claimants could refuse to undergo a medical examination. They were also entitled to apply for a review of the age determination made by the Public Prosecutor's Office, for which they could submit new evidence. Counsel could intervene at any time. In addition, there were four judicial remedies available to claimants who wished to contest, directly or indirectly, the results of age-determination procedures.

53. **Ms. Minguito Gil** (Spain) said that, unlike the migrant holding centres that were under the responsibility of the Ministry of the Interior, the temporary accommodation centres for immigrants in Ceuta and Melilla were overseen by the General Secretariat for Immigration and Emigration of the Ministry of Employment and Social Security. The immigrants staying in the latter facilities could come and go as they pleased. Those facilities were prohibited by law from taking in unaccompanied minors.

54. The Syrian conflict had led to a considerable increase in the number of persons seeking international protection in Spain, in particular along the country's southern borders, including in Melilla. In view of the growing number of arrivals, the Government had allocated funds to expand and improve the temporary accommodation centres in Melilla, including by providing green spaces and improving services for such vulnerable groups as pregnant women and single mothers with young children. Additional staff members had been hired, and a number of new protocols, including one on the detection of victims of human trafficking, had been developed. The maximum stay had been reduced in a bid to relieve overcrowding in the Melilla facility.

55. The unaccompanied minors of Moroccan origin in Melilla were the responsibility of the local child protection authorities. In 2017, Melilla, which was under more migratory pressure than Ceuta, had received a supplementary budget allocation from the national Government of more than €4.1 million, nearly twice as much as in 2016, to help city officials meet the needs of unaccompanied foreign minors. A budget had also been drawn up for an educational programme that would involve hiring 15 educators and reaching out to the unaccompanied foreign minors in Melilla, many of them in street situations, who were reluctant to turn to the city's child protection authorities.

56. **Mr. Pedernera Reyna** asked whether it was possible to appeal against a prosecutor's determination of age before an authority other than the Public Prosecutor's Office; what kinds of social, educational and leisure activities were organized for children and adolescents in the temporary accommodation centres in Ceuta and Melilla; and when the programme for children in street situations in Melilla had been launched.

57. **Mr. Madi** (Country Task Force) said that further efforts should be made to improve the situation in the temporary accommodation centres in Ceuta and Melilla. As he understood it, in some cases, the Spanish authorities went so far as to doubt the reliability of identity documents issued by competent foreign authorities. What kind of document was considered more reliable than official identity papers?

58. **Mr. Lafon Nicuesa** (Spain) said that a prosecutor's determination of age could be challenged by anyone with a legitimate interest in the case, including NGOs representing the rights of the individual concerned. Identity documents that had been issued by the competent authorities in the person's country of origin were rejected as proof of age if they were defective in some way, such as if they had been visibly altered, if the information they contained had not been verified by the issuing authority or if they were inconsistent with other relevant documents or with the results of thorough medical examinations. Such vigilance was warranted; for example, in some cases, minors as young as 14 years old had tried to pass themselves off as adults.

59. **The Chair** asked whether a genuine identity document without defects had ever been rejected as proof of age.

60. **Mr. Lafon Nicuesa** (Spain) said that no such document had ever been rejected.

61. **Ms. Minguito Gil** (Spain) said that, in the temporary accommodation centres, early learning activities were provided for children under 3 years old and extracurricular activities were organized for older children as part of a pilot project run by the NGO Save the Children. The Government was committed to further improving the conditions in those centres. The programme for children in street situations in Melilla had been piloted by the local government in 2017; following the success of the pilot, additional funding had been allocated to the programme for 2018.

62. **Mr. León Cavero** (Spain) said that the Public Prosecutor's Office determined a person's age provisionally, as part of emergency proceedings. Its determination could be reviewed if new information was provided. A definitive determination of age could be requested from the judicial authorities, for example in the context of asylum proceedings.

63. Migrants had access to free, specialized legal assistance from the moment they entered the country. All decisions regarding their status were properly reasoned and issued in writing. They were informed of all means of redress available to them.

64. The questions asked at the preceding meeting with regard to DNA testing concerned a case in which an abandoned child migrant had been taken into the care of the Spanish authorities. A woman claiming to be the child's mother had been requested by the authorities to undergo a DNA test before the child was returned to her, for the sake of child protection. The test had confirmed that she was the child's mother and the child had been returned to her within 24 hours.

65. The State party considered that individual communications concerning migrants who had been turned away at the border should be submitted to the Human Rights Committee, yet one such communication had been submitted to the Committee on the Rights of the Child. With regard to the allegations in that communication, it was not true that migrants had no way of entering Melilla without climbing the fence, for there was an office at the border where they could show their identity papers and request international protection.

66. **Mr. Kotrane**, drawing attention to the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin and its general comments Nos. 22 and 23 (2017) on the rights of children in the context of international migration, drafted jointly with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, said that the Committee on the Rights of the Child was competent to consider individual communications concerning migrants who had been turned away at the border, if children were involved in the case.

67. **Ms. Gonzálvez Vicente** (Spain) said that the child poverty rate had fallen in recent years thanks to the Government's efforts to support poor families and promote social inclusion. Over €5.4 billion had been invested in a comprehensive family support plan, for example. In addition, a new strategy for preventing and reducing poverty and social exclusion, focusing on extreme poverty and child poverty, was being drawn up.

68. **Mr. García Labajo** (Spain) said that the Criminal Code had been amended to criminalize the recruitment of minors by armed groups in the context of international or non-international armed conflicts. The relevant provisions could be applied extraterritorially in cases where children had been recruited to fight abroad.

69. **Ms. Méndez Díaz** (Spain) said that the Government was fully committed to preventing the recruitment of child soldiers, including through cooperation with the Special Representative of the Secretary-General for Children and Armed Conflict. It had supported the "Children, Not Soldiers" campaign and had endorsed a number of relevant instruments and declarations, including the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups.

70. **Ms. Skelton**, thanking the delegation for the constructive dialogue, said that the State party had clearly made good progress, despite the economic and social challenges it faced. The Committee was particularly concerned about the large number of children living in poverty and about the situation of vulnerable groups of children, such as migrant children. She hoped that the Government would take the Committee's concluding observations into account in developing public policies, in order to make a real difference to children.

71. **Mr. Garcés Sanagustín** (Spain) said that his Government would continue to engage in ongoing dialogue with the Committee and to take due account of its recommendations. Over the previous forty years, Spain had made tremendous progress with respect to the protection of civil and political rights, but there was still work to be done. Going forward, the Government would strive to place the protection and political participation of children and adolescents at the heart of its public policies.

The meeting rose at 5.55 p.m.

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Summary record of the 2265th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 23 January 2018, at 9 a.m.

Chair: Ms. Winter

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Combined second and third periodic reports of Solomon Islands

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The meeting was called to order at 9.05 a.m.

Consideration of reports of States parties (*continued*)

Combined second and third periodic reports of Solomon Islands (CRC/C/SLB/2-3; CRC/C/SLB/Q/2-3 and CRC/C/SLB/Q/2-3/Add.1)

1. *At the invitation of the Chair, the delegation of Solomon Islands joined the meeting via video link.*

2. **Mr. Alependava** (Solomon Islands) introduced the combined second and third periodic reports of Solomon Islands (CRC/C/SLB/2-3) by first providing a brief introduction to the history, geography and economy of the country, which had gained independence in 1978.

3. He said that the Government had made significant progress in a number of areas since it had last reported to the Committee. Examples of legislative reform included the entry into force of the Family Protection Act 2014 and the Penal Code (Amendment) (Sexual Offences Act) 2016, and the enactment of the Child and Family Welfare Act 2017. Discussions were under way to draw up a youth justice bill which would raise the age of criminal responsibility from 8 to 12 years and provide for separate custody and detention facilities for minors. In collaboration with the judiciary and with support from development partners, the Government had established a juvenile court to hear family and juvenile matters. In order to combat human trafficking, it had established a trafficking in persons advisory committee.

4. Regarding recently introduced policies, the National Development Strategy 2016–2035 included measures to promote gender equality, support disadvantaged and vulnerable persons and ensure access to free, high-quality early childhood and basic education. The Government had developed guidelines for caring for survivors of sexual and gender violence, particularly child victims, and had introduced a national referral network for women and child victims. With regard to programme initiatives, the Government had launched a project to improve access to justice under the Family Protection Act, including by training judges on how to implement the Act, and had introduced a system to facilitate the registration of births.

5. Solomon Islands had achieved a number of its health-related targets under the Millennium Development Goals, including those related to reducing child mortality, increasing measles vaccination coverage and combating malaria. It had been granted funding from the GAVI Alliance to further improve vaccination coverage and introduce new vaccination programmes. In the area of education, government funding had helped achieve a 100 per cent transition rate from grade 4 to grade 9 and a high level of gender parity in primary education; support had also been provided for school infrastructure projects. The universal age for pre-primary education had been set at 5 years, and community-based centres had been integrated into the education system.

6. A number of challenges remained, however, in particular those posed by the geographical spread of the population, financial, human and technical resource constraints and cultural diversity.

7. **Mr. Nelson** (Country Rapporteur) said that he wished to know when the Child and Family Welfare Act 2017 would come into effect; how the State party intended to ensure that both that Act and the Family Protection Act were implemented; and whether any steps had been taken to raise awareness among the public of the protections provided by those laws. He also asked when the Government intended to raise the minimum age for marriage and the minimum age for work. It would be useful to know what the results of the review of the National Children's Policy for 2010–2015 had been and whether the policy would be replaced. He also asked whether there was a comprehensive system for data collection; what the results of the Demography Health Survey 2015 had been; whether the survey had covered children with disabilities and children in outlying islands; and whether there were any new initiatives to raise awareness of the Convention in schools. He also encouraged the State party to appoint a children's rights commissioner to ensure the independent monitoring of children's rights.

8. While acknowledging the difficulty of challenging cultural attitudes to corporal punishment, he asked when the State party intended to adopt a law banning its use. He commended the laws introduced to combat the abuse, neglect and sexual exploitation of children and asked whether the police had been granted additional resources to enforce the laws, whether specialist units had been established within the police and whether there were any community-based programmes to combat violence against children. It would also be interesting to know whether there were any shelters for victims, whether such shelters provided counselling and reintegration services and whether the State party had considered introducing a helpline for reporting abuse.

9. With regard to juvenile justice, he wished to know whether training was provided for judicial and probation officers; when juvenile courts would be established in all parts of the country; whether separate juvenile detention facilities would be established; and whether any alternatives to custodial sentences were used.

10. **Mr. Mezmur** (Country Rapporteur) said that he wished to know whether out-of-hospital births were registered; whether the criminalization of the failure to register a birth discouraged residents from reporting births; and what the penalties for failing to register births were. Noting that, according to the State party's report, birth registration had increased from 0 per cent to 40 per cent, he asked in what year that had been achieved. Given that dual nationality was not recognized, he wished to know what measures were in place to prevent statelessness.

11. It would be interesting to know whether minimum standards of care and monitoring mechanisms for care — in particular kinship care — had been adopted; whether family-based care for children without families would be expanded; and whether institutions in which children were housed were inspected regularly. He asked what was being done to promote adoption and whether there were any risks associated with informal adoptions within families.

12. With regard to children with disabilities, it would be interesting to know what steps had been taken to promote inclusive education; why funding had been reduced for community-based rehabilitation; and what was being done to cope with the fallout of those cuts. He would also welcome information on efforts to improve the accessibility of health and justice services.

13. While welcoming the information provided on health services, he would be interested to know more about the successes and challenges of the Government's efforts to improve vaccination rates. In addition, it would be interesting to have an update on the prevalence of tuberculosis and malaria, including figures for 2016 and 2017. He would also like to know whether the Government had any plans to review the legal status of abortion, which was a criminal offence even in cases of rape or incest; how effective awareness-raising of sexually transmitted infections and mother-to-child transmission of HIV among adolescents had been; and whether the Government's policy on breastfeeding had yielded positive results.

14. He would welcome details of how the State party's long-term strategic plan and medium-term national education action plans would facilitate the roll-out of free primary and secondary education. He also wondered what the Government was doing to provide textbooks in languages other than English, which was the second or third language of many children, and how many of the 75 per cent of children who currently transitioned from year 9 to year 10 were girls. Furthermore, he would welcome information on the steps taken to prevent absenteeism.

15. Given the lack of any policy or social programme for the prevention of child labour, he would be interested to hear how the Government planned to address the exploitation of children in such industries as fishing, logging and tourism. He would also welcome information on how the State party intended to curb domestic child trafficking, which was not currently criminalized. Lastly, the Committee was concerned about the reported sale of girls to foreign workers. What measures was the Government taking to address that issue?

16. **Ms. Otani** said that she would like to know what was being done to end discrimination against children in rural areas and children with disabilities, in particular to

improve their access to services. She welcomed the State party's efforts to incorporate the principle of the best interests of the child into various regulations. In that connection, she would appreciate information on the implementation measures taken, the training provided for relevant professionals and whether that principle had been included in the Youth Justice Bill. She would also like to know what had been done to ensure that the right of the child to be heard was known, properly understood and implemented by all relevant decision-making authorities, as well as by families and by school and community actors. Noting that the development of disaster emergency and contingency plans for schools, referred to in paragraph 49 of the State party's replies to the list of issues (CRC/C/SLB/Q/2-3/Add.1), provided a good opportunity to give effect to children's right to participation, she wished to know whether schools were asked to involve children in developing those plans.

17. **Ms. Ayoubi Idrissi** said she would be grateful to know what steps had been taken to protect children from the threats posed by the Internet while guaranteeing their independence. What was being done at school and in the family setting to raise children's awareness in that regard so that they could better protect themselves?

18. **Mr. Rodríguez Reyes** said that he would welcome information on the proportion of hospitals that had been certified as baby-friendly by the United Nations Children's Fund (UNICEF). Further, he wished to know what the State party had done to counteract tobacco, alcohol and substance abuse among young people, about which the Committee had raised concerns in 2003. Lastly, he would like to know what social support measures would be taken to complement the *wantok* system with a view to fully meeting the needs of children, adolescents and mothers.

19. **Ms. Khazova** said that, as she understood it, the Mental Treatment Act was still under review and that the national policy on mental health had yet to be approved. If that was the case, she wondered when the Government expected those instruments to be adopted and whether it envisaged that their adoption would lead to significant improvements in access to and the quality of mental health services. In addition, she wished to know whether the State party intended to introduce sex education in all areas of the country, including remote areas, and to develop a comprehensive sexual and reproductive health policy for adolescents.

The meeting was suspended at 10.05 a.m. and resumed at 10.20 a.m.

20. **Mr. Lusi** (Solomon Islands) said that the Ministry of Health and Medical Services and the Ministry of Women, Youth, Children and Family Affairs had allocated resources for the implementation of the Child and Family Welfare Act during 2018. Activities already undertaken in that connection included a community facilitation package that had been developed in collaboration with UNICEF to promote positive parenting. In relation to the Family Protection Act, training had been provided to public officials, including members of the police and the judiciary, and an advisory council on family protection had been established. Furthermore, the Government had produced materials to help raise children's awareness of protection orders. The related advocacy plans were currently being finalized. Consultation on the renewal of the National Children Policy had been delayed but was due to begin shortly with the support of UNICEF. The Ministry of Women, Youth, Children and Family Affairs was collaborating with the Solomon Islands National Statistics Office to obtain statistics on child protection. However, other services needed to be consulted, for which further resources and technical support were required. The Committee's concerns about the time taken to establish a mechanism for the independent monitoring of children's rights had been noted. The Government would endeavour to address that matter in the near future.

21. **Mr. Lumina** said that he wished to know what steps the Government had taken to reduce the heavy reliance of Solomon Islands on foreign assistance to ensure the sustainability of budgetary allocations to the social sectors, particularly those supporting the rights of children. In that connection, he wondered how the Government ensured that its priorities were aligned with those of donors, particularly with regard to children's rights.

22. **Mr. Alependava** (Solomon Islands) said that the Ministry of Women, Youth, Children and Family Affairs intended to gradually increase its budget over time and thus reduce its dependence on financial assistance from foreign development partners.

23. **Mr. Lusi** (Solomon Islands) said that children's views were taken into account in family meetings, which were instigated by the Director of the Social Welfare Division when concerns had been raised about a child's well-being.

24. The Internet and new technologies posed increasing threats to children. Accordingly, schools had taken steps to prevent children from bringing their mobile phones into the classroom and to provide monitored Internet access.

25. **Ms. Kohata** (Solomon Islands) said that the SAFENET referral network, which included the Ministry of Justice and non-governmental organizations, conducted awareness-raising programmes on the use of protection orders. However, the programmes, which were focused on schools, might be discontinued because of funding issues.

26. The Law Reform Commission was currently reviewing the Penal Code and the Criminal Procedure Code. The age of criminal responsibility was one of the subjects which would be addressed in the process. The Commission had also been tasked with reviewing the Islanders Marriage Act, which provided for the minimum age for marriage, but priority had been given to the aforementioned codes. Nevertheless, sexual offences committed against girls under 15 years of age were addressed in the Penal Code (Amendment) (Sexual Offences) Act. The review of personal harm offences was expected to address the issue of corporal punishment.

27. The enforcement of court orders was hampered by resource limitations and geographical factors. However, development partners had worked with the police to find solutions to the problem, particularly regarding the enforcement of protection orders in abuse, neglect and sexual exploitation cases. Police units specialized in family violence and sexual assault assisted with awareness-raising concerning domestic violence and the prosecution of sexual offences.

28. **Mr. Nelson** asked how long the Law Reform Commission's review was expected to take.

29. **Ms. Kohata** (Solomon Islands) said that the time frame for the Commission's review was largely dependent on capacity-related factors. In connection with the review of the Juvenile Offenders Act and the proposed Youth Justice Bill, training had been delivered to lawyers in early 2018; there were plans to provide such training to judges, corrections officers and other officials later that year. Juvenile offenders were held separately from adult offenders within the same detention centre, rather than in entirely separate facilities. A helpline had been established to support victims of gender-based violence and sexual assault. However, her Government acknowledged that a helpline specifically aimed at child victims merited consideration.

30. **Mr. Nelson** asked whether juvenile offenders were given free legal representation or counsel.

31. **Ms. Kohata** (Solomon Islands) said that juvenile offenders had access to free legal counsel at all stages of the criminal process. The Government would give due consideration to the issues raised by the fact that failure to register a birth constituted an offence. Statelessness was currently not an issue for the country. Although no written rules governed customary adoption practices, amendments to the Adoption Act provided for certain protections in the context of informal adoption. Abortion was an offence under current laws; however, the matter was being addressed as part of the review of the Penal Code and the Criminal Procedure Code. The Penal Code (Amendment) (Sexual Offences) Act provided for increased protection against the sexual and economic exploitation of both girls and boys. The Act also addressed child marriage for economic benefit. Finally, in the absence of formal social security systems, the traditional *wantok* system provided significant support for families and children.

32. **Mr. Rodríguez Reyes** said that, although he acknowledged the value of the *wantok* system, he wished to know what measures had been taken to establish a more permanent system of social security in the State party.

33. **Ms. Kohata** (Solomon Islands) said that the Child and Family Welfare Act addressed the issue. The system had been improved and there was a legislative framework for assessing the circumstances of a child needing care and protection.

34. **Ms. Kenilorea Hanu** (Solomon Islands) said that the Office of the Attorney General had been working with the Ministry of Justice on the Youth Justice Bill, which was in the early drafting stage. The Bill addressed key Convention principles concerning children in conflict with the law, including the best interests of the child and detention as a last resort. Just as the Child and Family Welfare Act upheld principles related to family responsibilities, the Youth Justice Bill contained provisions on family and community involvement in the support given to children requiring assistance. As part of protective measures related to access to the Internet, the Penal Code (Amendment) (Sexual Offences) Act criminalized the posting of inappropriate pictures of children on the Internet. The Office of the Attorney General was closely involved in reviewing the proposed reforms of the Mental Health Act.

35. **Mr. Akosawa** (Solomon Islands) said that the Immigration Act criminalized the trafficking of children, empowered police and immigration officers to deal with trafficking cases and provided for penalties for persons who trafficked children under the age of 18 years. Plans were in place to review the Labour Act in order to harmonize its provisions with the Immigration Act in that regard. The Immigration Act also provided for the prosecution of internal trafficking offences. There were two shelters operated by the police, as well as other, church-run shelters, which provided minimum support for trafficking victims. Owing to limited resources, those shelters were currently unable to offer proper clinical care, including psychosocial support, or rehabilitation services. A national action plan covered specialized training for law enforcement officers and persons working with victims of trafficking.

36. **Mr. Bainivalu** (Solomon Islands) said that efforts to meet vaccination targets faced a number of challenges, including the maintenance of a cold chain system. Following a review of the current system conducted with relevant partners, the Ministry of Health had made submissions for resources for the coming five years in order to address the issues identified. Other challenges included geographical factors and funding-related issues regarding, for example, the training of health personnel in the proper use of vaccines, their storage and distribution.

37. The Ministry of Health and Medical Services had decided to review and update the breastfeeding policy. The areas it had identified for improvement included coordination at the national and provincial levels, for instance among nutrition committees, which were encouraged to focus on the importance of breastfeeding. Health-care workers and mothers were alerted to 10 important breastfeeding points, and awareness of the benefits of breastfeeding was promoted in local communities and in private and public schools. The Government planned to adopt the International Code of Marketing of Breast-milk Substitutes and to review the National Food Security, Food Safety and Nutrition Policy. With regard to UNICEF standards, one hospital at the national level was recognized as mother-friendly and three hospitals at the provincial level were recognized as baby-friendly.

38. The success of the programmes to combat tuberculosis and malaria was attributable to effective leadership over the 5-year and 10-year periods, action to review and update guidelines and policies based on evidence drawn from regional and international studies, and the use of diagnosis, treatment and management technology.

39. **Mr. Rodríguez Reyes**, referring to the four hospitals that had been recognized as mother-friendly or baby-friendly, enquired about plans to ensure that the remaining hospitals could be duly certified.

40. **Ms. Aho Assouma** said that she was concerned about the low rate of child vaccination and would like to know about the scale of the budget allocated to health care. She asked whether health-care staff were trained to assist mothers immediately after they had given birth. She also wished to know whether the State party benefited from the Global Fund to Fight AIDS, Tuberculosis and Malaria, whether mosquito nets were distributed and whether health-care policies and programmes were applicable throughout the State party, including in detention centres.

41. **Mr. Bainivalu** (Solomon Islands) said that the country was served by nine hospitals. The Reproductive and Child Health Division of the Ministry of Health and Medical Services was seeking accreditation for the five hospitals that had not yet been recognized as baby-friendly. Solomon Islands had received funds from the Global Fund and had applied for additional funds for the next three years for the malaria, tuberculosis and HIV/AIDS programmes. Catch-up programmes for children who had not been vaccinated were run by the Reproductive and Child Health Division. Sex education had been included in the secondary school curriculum.

42. With regard to substance abuse, the Tobacco Control Act 2010 prohibited the sale of tobacco to minors under the age of 18. There were no-smoking zones in schools, public places and public transport, and awareness-raising programmes were conducted in schools and the media. The Government was reviewing the Liquor Act in collaboration with the police force and the health sector.

43. **Ms. Aho Assouma** said that she would welcome information on action to prevent mother-to-child transmission of HIV/AIDS, especially in remote areas. She also enquired about access to health care in areas where clinics had been closed down.

44. **Mr. Bainivalu** (Solomon Islands) said that guidelines on the prevention of parent-to-child transmission of HIV/AIDS had been issued shortly after the turn of the century. New draft guidelines had recently been developed together with a policy to address the problem, including option B+, which had been recommended by the World Health Organization (WHO). Regarding the closure of clinics, the Government had stated that it was committed to reopening clinics that had been closed over the previous five years and was assessing the relevant infrastructure, funding and human resource issues.

45. The education sector had developed a policy aimed at including children with disabilities in the education system. A rehabilitation programme was being implemented in coordination with stakeholders, such as the International Committee of the Red Cross, and clinics were designed to be user-friendly for children with disabilities. The 2016 Mental Health Bill had been reviewed in November 2017 with WHO technical support. It was hoped that the bill would shortly be enacted.

46. Birth registration had increased following the launch of a new system in 2013. When babies were born outside health facilities, the births were registered as soon as the mothers brought them to a local health-care centre, and the paperwork was forwarded to a provincial centre for further processing. The National Statistics Office was responsible for data management. The Demography Health Survey had been released in June 2017 and was available online.

47. **Ms. Lilo** (Solomon Islands) said that the long-term goals of the Ministry of Education and Human Resource Development were to ensure universal access to high-quality basic and secondary education by 2030, and to improve access to early childhood education and care and to technical and vocational training. The midterm goal was to ensure that most girls and boys had access to free and high-quality basic education by 2020. Teacher absenteeism stood at about 20 per cent and the monitoring of about 10,000 teachers presented a major challenge. The target for 2020 was to reduce absenteeism to 7 per cent.

48. English was the official language, but a vernacular language policy was being piloted in two provinces. The pilot project would be evaluated during the current year. The aim was to build a strong foundation for children in their mother tongue prior to their transition to the English language. There were plans to translate the curriculum into diverse local languages.

49. The Education in Emergency Policy was to be reviewed during the current year. Children were involved in planning and decision-making for the disaster emergency and contingency plan for schools. A gender parity policy was being developed for the education system and should be completed during the current year.

50. **Mr. Rodríguez Reyes** said that he would appreciate further information on policies aimed at reducing alcohol consumption by young people.

51. **Ms. Aho Assouma** asked whether education was compulsory and enquired about children's average age of enrolment in primary school and completion of primary education. She asked why many children failed to enrol and why about 30 per cent dropped out before the end of their primary studies. Were children informed in school about sexual and reproductive health?

52. **Mr. Mezmur**, referring to the transition and access rates reported in the replies to the list of issues, asked whether there was gender parity in the access rates from year 9 to year 12, whether children with disabilities failed to transition and, if so, what action was being taken to address those challenges. He would like to know the root causes of student absenteeism and action to address the problem. The sale of girls to foreign workers for sex and marriage was a critical issue, particularly since parents were also involved in such sales. He asked how the issue was being addressed. Birth registration data regarding children who were born outside of wedlock, especially to adolescent mothers, were reportedly often inaccurate. How could such inaccuracies be remedied?

53. **Mr. Nelson** said that he would like to hear about recent action to raise awareness of the Convention and to promote its dissemination. He asked whether shelters were available for child victims of domestic violence and sexual abuse. A great deal of legislation was submitted to the Law Reform Commission. He asked whether priority could be given to legislation dealing with children's rights and issues.

54. **Mr. Bainivalu** (Solomon Islands) said that the Ministry of Health and Medical Services was developing an adolescent health strategy to address problems of substance abuse in collaboration with the National Non-Communicable Disease Programme. The National Statistics Office and the Ministry of Health and Medical Services were discussing procedures for dealing with the issue of birth registration outside wedlock, especially measures to identify the father. Short-stay shelters were available for child victims of sexual or gender-based violence, and the Christian Care Centre served as a long-term shelter. However, the shelters tended to focus on women victims of sexual violence.

55. **Mr. Lusi** (Solomon Islands) said that action to raise awareness of the Convention was taken primarily at special school-based events. Posters, pamphlets and other advocacy materials were used for the purpose.

56. **Ms. Lilo** said that education was currently not compulsory, but it would be rendered compulsory when the Education Bill was enacted. Children were enrolled in primary school at the age of 6 and left at the age of 11. The Ministry of Education and Human Resource Development was gathering baseline data to address the phenomenon of school dropout by girls. Child absenteeism was a major challenge for safety reasons. Many young children had to cross rivers to reach their schools and accidents could occur, especially in rough weather.

57. **Mr. Akosawa** (Solomon Islands) said that two perpetrators had been arrested for internal child trafficking. The case was currently before the courts and the victims had been referred to a shelter. Another case was under investigation.

58. **Ms. Kohata** (Solomon Islands) said that the review of the Penal Code and the Criminal Procedure Code by the Law Reform Commission covered many cross-cutting areas in terms of criminal offences. It had led to the adoption of the Penal Code (Amendment) (Sexual Offences) Act, the Family Protection Act, and the Child and Family Welfare Act, and to the drafting of the Youth Justice Bill. Issues related to children were addressed in all the legislation.

59. **Mr. Mezmur** said that the key challenges facing the State party included the geographical environment in which it operated and the availability of financial and human resources to address problems such as violence against children, access to education, birth registration and other issues. He recommended that children's rights under the Convention should be adequately addressed in the legislation that was currently being drafted and that serious attention should be given to the Committee's concluding observations and recommendations.

60. **Mr. Alependava** (Solomon Islands) said that the interactive dialogue with the Committee would assist his country in developing strategies to address the issues raised and

to implement the Convention. Additional responses would be submitted in writing within the next few days.

61. As noted by the Minister for Foreign Affairs and External Trade, the small economy, limited market opportunities and topography of the Solomon Islands limited the country's ability to provide its people with access to services. However, the Government remained committed to meeting its obligations under the Convention.

The meeting rose at 12.05 p.m.